

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GOLDCREST,

Plaintiff,

- against -

LAT LONG INFRASTRUCTURE, LLC and
DANIEL ROBERT URBAN,

Defendants.

Case No.:

NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendants Lat Long Infrastructure, LLC and Daniel Robert Urban, through their undersigned counsel, hereby remove this action from the Supreme Court of the State of New York, Kings County to the United States District Court for the Eastern District of New York.

This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

The grounds for removal are set forth in more detail below.

BACKGROUND

1. On June 30, 2023, Plaintiff commenced this action in the Supreme Court of the State of New York, County of Kings. (Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders filed by Plaintiff are attached collectively as Exhibit 1.)

2. Plaintiff alleges that Defendants breached an agreement (the “Contract”) between the parties and owe Plaintiff \$1,061,939.73, plus interest from September 17, 2022.

3. Plaintiff filed two Affidavits of Service, both dated July 4, 2023, stating that Defendants had been served via certified and first-class mail.

4. On February 7, 2023, defendants Lat Long Infrastructure, LLC and Daniel Robert Urban filed a related case against Plaintiff and other individuals and entities. Lat Long Infrastructure, LLC and Daniel Robert Urban allege, among other things, that the Contract is illegal and unenforceable in that it requires Lat Long Infrastructure, LLC to repay a usurious loan with interest at a rate of 323.86 percent *per annum*.

DIVERSITY JURISDICTION

5. Plaintiff is a citizen of Florida.

6. Defendant Lat Long Infrastructure, LLC is a citizen of South Carolina, New Jersey, California, Texas, and the United Kingdom.

7. Defendant Daniel Robert Urban resides in, and is a citizen of, Texas.

8. Accordingly, complete diversity of citizenship exists between the Plaintiff and the Defendants.

9. As Plaintiff alleges that it is owed in excess of \$1,061,939.73, the amount in controversy exceeds the \$75,000 threshold as set forth in 28 U.S.C. § 1332(a).

REMOVAL IS TIMELY

10. On July 4, 2023, Plaintiff filed two Affidavits of Service stating that Defendants had been served via certified and first-class mail. Assuming, *arguendo*, that the Affidavits of Service are valid, and that Defendants were served on July 4, 2023, Defendants filed this

Notice of Removal within thirty days of that service. This Notice of Removal is, therefore, being timely filed pursuant to 28 U.S.C. § 1446(b).

11. This Notice of Removal is also being filed within one (1) year from commencement of the action as required by 28 U.S.C. § 1446(c)(1).

VENUE IS PROPER

12. This action was originally filed in the Supreme Court of the State of New York, County of Kings, which sits in this federal judicial district and division, rendering venue proper under 28 U.S.C. § 1441(a).

CONCLUSION

13. For the foregoing reasons, Defendants respectfully submit that this action, previously pending in the Supreme Court of the State of New York, County of Kings, is properly removed to this Court.

14. Upon filing the Notice of Removal, Defendants will furnish written notice to Plaintiff's counsel and will file and serve a copy of this Notice with the Clerk of the Supreme Court of the State of New York, County of Kings, pursuant to 28 U.S.C. § 1446(b).

Dated: New York, New York
July 7, 2023

LEECH TISHMAN ROBINSON BROG, PLLC
Attorneys for Defendants

By: /s/ Matthew Cono Capozzoli
Matthew Cono Capozzoli